



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,159	12/21/2001	Douglas Deeds	042933/297034	5211

826 7590 12/06/2006

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

BACKER, FIRMIN

ART UNIT PAPER NUMBER

3621

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 06 2006

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/029,159
Filing Date: December 21, 2001
Appellant(s): DEEDS ET AL.

CHRISTOPHER McAVOY
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 6th, 2006 appealing from the Office action mailed December 12th, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21-27 and 33-42 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shin et al (U.S. PG Pub No. 2002/0010698).

3. As per claim 21, 36, 37, Shin et al teach a method for providing selected content to a user device (clocking server 20 in network mobile device, 41 Fig 2A, 4) (see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023), the method comprising receiving an indication of selected content presenting at least a one locking requirement including a the first locking requirement associated with the selected content to the user device (see paragraphs 0024, 0025, 0029), receiving selection of at least first locking requirement at the network based device from the user device in response to presenting the at least first locking requirement, and providing from the network based device to the user device the selected content to the wireless mobile device

Art Unit: 3621

together with the at least the first locking requirement following selection of the content and at least the first locking requirement to permit the selected content to be operated upon pursuant to at least a selected one of the at least the first locking requirement (see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

4. As per claim 22, 39, Shin et al teach a method at a wireless device for providing selected content comprising transmitting an indication of selection of which of the plurality of content is form the selected content to the wireless mobile device receiving at least a one locking requirement including a first locking requirement associated with the selected content selecting the acceptance of the first selected locking requirement in response to presenting the at least first locking requirement at the wireless mobile device and receiving the selected content and storing the selected content and operating upon the selected content in accordance with the selected one of the at least the first locking requirement see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

5. As per claim 23, Shin et al teach a method further comprising the operation, wireless mobile device, of determining when the selected one of the first locking requirement is met (see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

6. As per claim 24, 40, Shin et al teach a method further comprising the operation subsequent to the operation of determining of unlocking the selected content data to release the

Art Unit: 3621

selected content out of the selected one of the at least the first locking requirement (see paragraphs 0024, 0025, 0023).

7. As per claim 25, Shin et al teach a method further comprising the operation of notifying the network-based device of determination made during the operation of determining that the selected one of the first locking requirement is met (see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

8. As per claim 26, Shin et al teach a method further comprising the operation of dispensing network based device during the operation of determining a reward to a user associated with the wireless mobile device subsequent to notifying the (see figs 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

9. As per claim 27, Shin et al teach a method wherein the operations of presenting and selectably providing are performed by sending a message from the network-based device that contains both the selected content and the at least the first locking requirement (see figs 2A, 2B, paragraphs 0010, 0011, 0022, 0023).

10. As per claim 33, Shin et al teach a method wherein the selected content of the plurality of content comprises advertising content and wherein the method further comprises the operation of displaying the advertising content at the wireless mobile device according to the at least the first locking requirement (see figs 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023.).

11. As per claim 34, Shin et al teach a method wherein the at least the first locking requirement comprises a manner by which to display the advertising content in human perceptible form (see paragraphs 0024, 0025, 0029).

12. As per claims 35, 42, Shin et al teach a wireless mobile device operable in a radio communication system, an improvement of apparatus for operating upon selected content selected from a plurality of content stored at a network-based device and delivered to the wireless mobile device, the apparatus comprising a content manager embodied at the wireless mobile device, the content manager for managing the selected content once delivered to the wireless mobile device, management of the selected content provided by the content manager comprising selectably locking the selected content pursuant to a locking requirement, determining when the locking requirement is met, and unlocking the selected content when the locking requirement is determined to have been met (see figs 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

13. As per claims 38 and 41, Shin et al teach a method further providing an indication of a reward (see figs 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023).

(10) Response to Argument

Applicant argues the following

a) Shin does not describe a method wherein the selected content and the locking requirement are provided to the user device in order to permit the selected content to be operated upon pursuant to the locking requirement, as required by independent Claims 21 and 22.

b) Shin does not describe a method wherein the user device that receives the selected content is the same user device that is also presented with and selects a locking requirement, as further required by independent Claims 21 and 22.

d) Shin does not describe a content manager capable of locking selected content into a device so that the selected content is repeatedly presented, as recited by independent Claim 35.

e) Shin does not describe selected content that is "locked in" the user device or "required to be presented" at the user device, as required by independent Claims 36 and 39.

f) Shin also does not describe a mobile device including a memory for storing a plurality of profiles, each profile including an identifier indicative of the use of the locked-in selected content, as recited by independent Claim 42.

Examiner respectfully disagrees with Applicant's characterization of the prior art. Shin et al a structure of a locked text message transmitted and/or received through the mobile phones according Shin et al's the structure of a locked text message includes a locking function selection region, a locking condition region, a locking guide message region, a hierarchy information region, and a text message region. The locking function selection region stores the information whether locking function is applied to the text message.

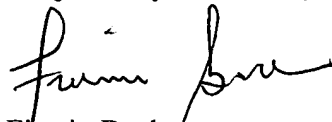
Art Unit: 3621

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Firmin Backer

Conferees:

Andrew Fisher



Alexander Kalinowski

